Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1979

NO. 79-1536

DONALD ROMANO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

SUPPLEMENTAL PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPFALS FOR THE NINTH CIRCUIT

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REASONS FOR GRANTING THE WRIT

A. . . .

B. . . .

C. The Decision Below Conflicts With the Decision of the Sixth Circuit

The Ninth Circuit held below that government agents may illegally seize a residence to secure it until a warrant arrives so long as neither the issuance nor the execution of the warrant could be

traced to the misconduct. Appendix A, pages 8-9. The court relied on United States v. Blalock, 578 F.2d 245 (9th Cir. 1978) and United States v. Grummel, 542 F.2d 789 (9th Cir. 1976), cert. denied, 429 U.S. 1051 (1977).

In direct conflict, the Sixth Circuit holds that when agents illegally enter a residence, the subsequent arrival of a valid search warrant will not act to disinfect the illegal seizure even though the issuance and execution of the search warrant are independent of the initial illegality. United States v. Griffin, 502 F.2d 959 (6th Cir. 1974), cert. denied, 419 U.S. 1050.

This Court should grant the writ in order to resolve this conflict between the circuits.

Respectfully submitted,

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